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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,171

02/08/2007

Norimitsu Kaimai

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EXAMINER

RHEE, JANE J

ART UNIT

PAPER NUMBER

1795

NOTIFICATION DATE

DELIVERY MODE

11/27/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/596,171	Applicant(s) KAIMAI ET AL.	
	Examiner JANE RHEE	Art Unit 1795	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4 and 5 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/19/07, 9/11/06, 6/02/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-2,4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Watari et al. (JP2000-133236).

.As to claim 1, Watari et al. discloses microporous composite membrane comprising a microporous polyolefin membrane and a polypropylene-containing coating layer formed on at least one surface of said microporous polyolefin membrane, wherein said polypropylene has a mass-average molecular weight within a range of 5,000-500,000, and solubility of 0.5 g or more in 100 g of toluene at a temperature of 25.degree. C., and wherein said microporous composite membrane has air permeability (converted to the value at 25-.mu.m thickness) of 50-10,000 seconds/100 cc (paragraph 0019,0027,0028,0034).

As to claim 2, Watari et al. discloses wherein 0.1-5 g of said coating layer is formed on said microporous polyolefin membrane per 1 m.² (paragraph 0027,0028).

As to claims 4-5, Watari et al. discloses a battery separator formed by the microporous composite membrane and a battery comprising a battery separator formed by the microporous composite membrane of claim 1 (abstract).

Allowable Subject Matter

2. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Watari et al. fail to disclose a method comprising: (a) applying a mixed liquid containing said polypropylene and its good solvent to at least one surface of said microporous polyolefin membrane, removing said good solvent to increase the concentration of said polypropylene, thereby providing the resultant coating layer with a structure in which said polypropylene phase is separated from said good solvent phase, and then removing the remainder of said good solvent; (b) applying said mixed liquid to at least one surface of said microporous polyolefin membrane, cooling the resultant coating layer to provide the coating layer with a structure in which said polypropylene phase is separated from said good solvent phase, and removing said good solvent; (c) applying said mixed liquid to at least one surface of said microporous polyolefin membrane, bringing the resultant coating layer into contact with poor solvent for said polypropylene, selectively evaporating said good solvent to provide said coating layer with a structure in which said polypropylene phase is separated from said poor solvent phase, and then removing said poor solvent; or (d) applying a mixed

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liquid containing said polypropylene, said good solvent and said poor solvent to at least one surface of said microporous polyolefin membrane, selectively removing said good solvent to provide the resultant coating layer with a structure in which said polypropylene phase is separated from said poor solvent phase, and then removing said poor solvent.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JANE RHEE whose telephone number is (571)272-1499. The examiner can normally be reached on M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Jane Rhee/
Primary Examiner, Art Unit 1795